

Message Text

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ACTION L-02

INFO OCT-01 ARA-10 ISO-00 CIAE-00 INR-10 NSAE-00 RSC-01

IO-03 OIC-01 JUSE-00 DRC-01 /029 W

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R 091630Z OCT 74

FM AMCONSUL RIO DE JANEIRO

TO SECSTATE WASHDC 1521

INFO AMEMBASSY BRASILIA

LIMITED OFFICIAL USE RIO DE JANEIRO 3805

FOR L/ARA FROM RUBIN

E.O. 11952: N/A

TAGS: PFOR, IAJC, OAS, XM

SUBJECT: INTER-AMERICAN JURIDICAL COMMITTEE

REF: RIO DE JANEIRO 3740

1. COMMITTEE FINISHED CONSIDERATION OF REPORT ON "CASES OF VIOLATION OF PRINCIPLE OF NONINTERVENTION" OCTOBER 8 AND STARTS WITH MY PRESENTATION PAPER ON MULTINATIONALS TODAY. PACE OF LATTER ITEM LIKELY BE SLOW SINCE ONLY OTHER PAPER SUBMITTED IS LONG AND NOT YET FULLY TYPED. I EXPECT NO COMMITTEE ACTION ON MULTINATIONALS AT THIS SESSION.

2. ON REPORT ON CASES OF INTERVENTION, I HAVE MADE SEVERAL INQUIRIES AS TO MEANING AND INDICATED DISQUIET WITH SEVERAL ITEMS, THOUGH TECHNICALLY ONLY MATTER NOW BEFORE COMMITTEE IS REPORT, NOT ACTUAL LIST, WHICH PREVIOUSLY APPROVED. I HAVE IN PARTICULAR RAISED QUESTIONS:

A) RE ITEM9, WHICH SEEMS PRECLUDE IN ABSOLUTE TERMS ANY INTERFERENCE WITH ADMINISTRATION OF JUSTICE, ON GROUND THIS INCONSISTENT WITH ACCEPTED "DENIAL OF LIMITED OFFICIAL USE

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JUSTICE" DOCTRINE;

B) RE ITEM 17, WHICH DEINES AS INTERVENTION ANY VIOLATION OF PRINCIPLE OF JURISDICTIONAL IMMUNITY, ON GROUND THAT DOCTRINE ILL-DEFINED AND ON GENERAL BASIS THAT PRESENT LIST OUGHT BE SELF-CONTAINED AND NOT DEFINE AS INTERVENTION A VIOLATION OF ANOTHER INDEPENDENT PRINCIPLE OF INTERNATIONAL LAW (IF THIS ONE IS SUCH);

C) AND ITEMS 20 AND 21 (WITH SOME REFERENCE TO 19) ON GROUND THAT THESE REGARD POSSIBLY ENTIRELY JUSTIFIABLE CONDITIONS ON LOANS, TRANSFER OF TECHNOLOGY, ETC., AS INTERVENTION.

3. COMMITTEE DISCUSSION INDICATED CONSIDERABLE UNCERTAINTY IN COMMITTEE ITSELF AS TO JUST WHAT WAS COMPREHENDED WITHIN THESE CLAUSES AND WHAT CIRCUMSTANCES MIGHT TAKE CASES OUT OF STATED DEFINITIONS. TEXT MY "VOTA RECIONADA" (WHICH WILL OCCUR NEXT WEEK WHEN COMMITTEE VOTES ON REPORT) BEING FORWARDED.

4. NO PAPERS AVAILABLE ON OTHER AGENDA ITEMS WHICH SEEM LIKELY BE DEBATED ONLY VERY GENERALLY. I PLAN REMAIN TO OCTOBER 18.
MILLER

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